

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-17 are pending in this case, Claims 7-17 are new; and Claims 1 and 3-6 have been amended by the present amendment. Support for amended Claims 1 and 3-6 and new Claims 7-17 can be found, for example, in the original claims, drawings, and Specification as originally filed.¹ No new matter has been added.

In the outstanding Office Action, Claims 3 and 6 were objected to due to informalities; Claims 1, 3, 4, and 6 were rejected under 35 U.S.C. § 102(b) as anticipated by Yamagata et al. (U.S. Publication No. 2003/0174839; hereinafter "Yamagata"); and Claims 2 and 5 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yamagata in view of Kurita (U.S. Publication No. 2002/0029343).

Applicants acknowledge with appreciation the courtesy of Examiner Haupt in granting an interview in this case with Applicants' representative on June 2, 2010, during which time it was confirmed that the drawings have been accepted.

In response to the objection to Claims 3 and 6, Applicant has amended Claims 3, 5 and 6 to remove the reference to the "original accessing file system." Accordingly, Applicant respectfully requests that the objection to Claims 3 and 6 be withdrawn.

In response to the rejection of Claims 1, 3, 4 and 6 under 35 U.S.C. § 102(b) as anticipated by Yamagata, Applicant respectfully submits that Claims 1, 3, 4 and 6 as amended patentably define over the cited art.

Amended Claim 1 is directed to a data communication apparatus including, *inter alia*,

authenticating means for requesting performance of a mutual authentication for each file system to be accessed from an external apparatus or a program, ***the mutual authentication including a key associated with a service provider of the external apparatus or program designated at a time of***

¹ See for example, paragraphs [0028], [0029], [0079], [0095], [0099], [0103], [0104] and [0111] of the Specification.

creation of the file system wherein the key is not provided as input from a user.

Independent Claim 4 recites features analogous to those of independent Claim 1.

Thus, the arguments presented below with respect to independent Claim 1 are also applicable to independent Claim 4.

By way of background, a non-limiting embodiment of Applicant's invention describes a method for allocating file systems for a plurality of service providers in a single memory space. By separating the memory into a plurality of file systems, the border between the file systems functions as a firewall, thus appropriately preventing one of the file systems from being accessed by the other file systems.² To access a file system, mutual authentication using the issuer key of the file system is required. Additionally, a PIN for each file system or directory or file within may be verified when starting a service to ensure proper security level access.³ In the mutual authentication, an issued key that exclusively belongs to the file system and carries out encrypted communication must be provided.⁴ Thus, Applicant's invention includes both an encrypted key associated with the card issuer or service provider as well as a security code or PIN associated with a specific application stored in the memory.

Turning now to the applied reference, Yamagata describes a memory region on an IC card that has a hierarchical structure. However, Yamagata only describes the use of a personal identification code (PIN), and describes no further security mechanism for accessing an application or directory. For example, paragraph [0131] of Yamagata states that "when a personal identification code for a directory is input and access to the directory is thus permitted, access to all applications and directories below the directory may be permitted." Page 3 of the outstanding Office Action asserts that the "authenticating means" of Claim 1 is described at paragraphs [0028] and [0034] of Yamagata. However, this description in

² See paragraph [0026] of the Specification.

³ See paragraph [0029] of the Specification.

⁴ See paragraph [0104] of the Specification.

Yamagata is limited to the use of a personal identification code for controlling the right to access applications and directories.

Applicant has amended Claim 1 to clarify that the mutual authentication includes “a key associated with a service provider of the external apparatus or program designated at a time of creation of the file system wherein the key is not provided as input from a user.” Thus, amended Claim 1 recites a key used for mutual authentication associated with the service provider and designated at a time of creation of the file system which is not equivalent to a PIN as used in Yamagata.

Accordingly, it is respectfully submitted that independent Claim 1, and all claims depending therefrom, patentably distinguish over Yamagata, and Applicant respectfully requests that the rejection of Claims 1, 3, 4 and 6 under 35 U.S.C. § 102(b) be withdrawn.

In response to the rejection of Claims 2 and 5 under 35 U.S.C. § 103(a), Applicant notes that Claims 2 and 5 are patentable at the very least by virtue of dependency on Claim 1. Further, Applicant respectfully submits that Kurita fails to cure the above-noted deficiencies of Yamagata. Accordingly, Applicant respectfully requests that the rejection of Claims 2 and 5 under 35 U.S.C. § 103(a) be withdrawn.

Applicant respectfully submits that new Claims 7-17 recite features similar to those discussed with respect to Claim 1 as well as additional features not described by Yamagata, Kurita, or any proper combination thereof. Accordingly, Applicant respectfully submits that new Claims 7-17 are allowable as well.

Consequently, in view of the present amendment and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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